

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AARON BEN NORTHROP,)	
)	
Petitioner,)	
)	Civil Action No. 09-155 Erie
v.)	
)	
FRANCISO J. QUINTANA,)	
)	
Respondent.)	

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on July 1, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 14], filed on October 29, 2010, recommended that Petitioner's Petition be dismissed with prejudice for lack of subject matter jurisdiction and for abuse of the writ. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondent. Objections were filed by Petitioner on November 17, 2010 [Doc. No. 16]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 22nd day of November, 2010;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED with prejudice for lack of subject matter jurisdiction and for abuse of the writ.

The Report and Recommendation [Doc. No. 14] of Magistrate Judge Baxter, filed on October 29, 2010 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge